



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 23-267

Report No. TEL-02263

Thursday March 30, 2023

International Authorizations Granted

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

The following applications have been granted pursuant to the Commission's processing procedures set forth in sections 63.12, 63.20 of the Commission's rules, 47 CFR §§ 63.12, 63.20, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing the applications as accepted for filing.

Unless otherwise noted, these grants authorize the applicants: (1) to become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22; and/or (2) to become a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (3) to assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24; or (4) to exceed the foreign ownership benchmarks applicable to common carrier radio licensees under 47 U.S.C. § 310(b); see Subpart T of Part 1 of the Commission's rules, 47 CFR §§ 1.5000-5004.

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, in regard to the grant of any of these applications may be filed within thirty days of this public notice (see 47 CFR § 1.4(b)(2)).

Transfer of Control

Grant of Authority

Date of Action: 03/24/2023

Current Licensee: FiberComm L.C.**FROM:** FiberComm L.C.**TO:** ImOn Communications, LLC

FiberComm, L.C. (FiberComm), an Iowa limited company that holds an international section 214 authorization (ITC-214-20160406-00135), has filed an application for the transfer of control of FiberComm to ImOn Communications, LLC (ImOn). Pursuant to a Membership Interest Purchase Agreement, dated January 11, 2023, the parties propose that ImOn will purchase all issued and outstanding membership interests in FiberComm. Upon consummation, FiberComm will become a direct wholly owned subsidiary of ImOn.

ImOn, an Iowa limited liability company, is wholly owned by Hawkeye Intermediate LLC which, in turn, is wholly owned by Hawkeye TopCo Holdings LLC (Hawkeye TopCo), both Delaware limited liability companies. The following entities hold a direct 10% or greater interest in Hawkeye TopCo: WSIP IV Hawkeye (Onshore), L.P. (Hawkeye Onshore) (approx. 17.7%) and WSIP IV Hawkeye (Offshore), L.P. (Hawkeye Offshore) (approx. 49.9%), both Delaware entities.

The limited partner holding approximately 79.8% of Hawkeye Onshore is West Street Global Infrastructure Partners IV, L.P. (West Street Global), a Delaware entity. The State of Texas for the use and benefit of the Permanent School Fund, a Texas entity, holds approximately 61.4% of West Street Global.

The sole limited partner of Hawkeye Offshore is WSIP IV Hawkeye Offshore Fund Holdco (Onshore), LLC (Hawkeye Holdco), a Delaware entity. The sole limited partner of Hawkeye Holdco is WSIP IV Offshore Fund Holdco (Offshore), SLP (WSIP IV Offshore), a Luxembourg entity. The sole limited partner of WSIP IV Offshore is WSIP IV Offshore Investments Aggregator, SLP (WISP IV Aggregator), a Luxembourg entity. West Street Offshore Infrastructure Partners IV, L.P. (West Street Offshore), a Cayman Islands entity, holds an approximate 76.6% limited partnership interest in WSIP IV Aggregator and West Street European Infrastructure Partners IV, SLP (West Street European), a Luxembourg entity holds the other approximate 23.4% limited partner interests.

West Street Infrastructure Advisors IV, S.a.r.l. (West Street Advisors), a Luxembourg entity, is the general partner for WSIP IV Offshore, WISP IV Aggregator and West Street European. West Street Infrastructure Advisors IV, LLC (West Street), a Delaware entity, is the general partner for West Street Advisors, Hawkeye Onshore, Hawkeye Offshore, West Street Global and West Street Offshore. The Goldman Sachs Group, Inc., a publicly-traded Delaware corporation, is the sole member of West Street. According to the Applicants, no other individuals or entities will hold a 10% or greater interest in ImOn or Fibercomm.

In the Executive Branch Review Process Order, the Commission set out categories of applications with reportable foreign ownership that may be excluded from referral to the Executive Branch for review for national security, law enforcement, foreign policy, and trade policy issues. See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket 16-155, Report and Order, 35 FCC 10927, 10938-42, paras. 29-39 (2020). Applicants have made a showing that the only reportable foreign ownership in Hawkeye Holdings is through passive, offshore intermediary holding companies and that 100% of the ultimate control is held by U.S. citizens or entities. We exercised our discretion and did not refer this application to the Executive Branch. While we did not formally refer this application, we did provide a courtesy copy of the Public Notice to the Executive Branch agencies. See id. at 10939, para 30, n. 81.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

Transfer of Control

Grant of Authority

Date of Action: 03/29/2023

Current Licensee: Intermountain Infrastructure Group, LLC**FROM:** Intermountain Holdings LLC**TO:** Intermountain Holdings LLC

On March 10, 2023, Intermountain Infrastructure Group LLC (IIG), a Delaware limited liability company that holds international section 214 authorizations (ITC-214-20191115-00181 and ITC-214-20191220-00200), filed a notification of the pro forma transfer of control of IIG, effective February 8, 2023. IIG is a wholly owned subsidiary of Intermountain Holdings LLC (Intermountain Holdings).

Prior to the transaction Jeffrey Yount, a U.S. citizen, held a 50.8% and controlling interest in Intermountain Holdings and served as President and CEO of IIG and Intermountain Holdings and held the right to appoint three-fourths of Intermountain Holdings' managers. Brady Adams, a U.S. citizen, held a 16.7% interest in Intermountain Holdings.

On February 8, 2023, PRSOF II IIG Inc. (PRSOF II IIG), a Delaware company, exercised warrants which it held for Intermountain Holdings. As a result PRSOF II IIG now has an approximate 37.1% interest in Intermountain Holdings, and the interests held by Jeffrey Yount and Brady Adams were reduced to 30.5% and 10% respectively. According to the Applicants, this is a pro forma transaction because Jeffrey Yount still exercises control of Intermountain Holdings and IIG by virtue of his ongoing right to appoint the majority of the Intermountain Holdings' managers and his position as CEO and President of Intermountain Holdings and IIG.

PRSOF II IIG is wholly owned by Post Road Special Opportunity Fund II LP (PRSOF), a Delaware limited partnership. Post Road SOF GP II LLC (PRSOF GP II), a Delaware limited liability company, holds a 100% voting and 2% equity interest in PRSOF II. Michael Bogdan, a U.S. citizen, wholly owns Birch Hill Capital LLC, a Delaware limited liability company, that holds a 50% direct voting and approximately 38% direct and indirect equity in Post Road SOF GP II. Kevin Davis, a U.S. citizen, wholly owns Seventh Avenue Capital Group II LLC, a Connecticut limited liability company, that holds a 50% direct voting and approximately 22% direct and indirect equity interest in PRSOF GP II. According to the Applicants no other individuals or entities hold a 10% or greater ownership interest in Intermountain Holdings and IIG.

SURRENDER**ITC-214-19940411-00382**

BFI Licenses, LLC

By letter filed on March 21, 2023, BFI Licenses, LLC notified the Commission that it surrendered its international section 214 authorization effective March 21, 2023.

ITC-214-20180515-00097

Alleswolke Wireless LLC

By letter filed on March 17, 2023, Alleswolke Wireless LLC notified the Commission that it surrendered its international section 214 authorization effective March 17, 2023.

ITC-214-20210513-00084

Oktacom Inc.

By letter filed on March 15, 2023, Oktacom Inc. notified the Commission that it surrendered its international section 214 authorization effective March 15, 2023.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

- (1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List is maintained in the FCC Reference Information Center and is available at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>. It is also attached to each Public Notice that grants international Section 214 authority.
- (2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.
- (3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.
- (4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 CFR § 63.23(d).
- (5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 CFR § 63.14.
- (6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 CFR Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.
- (7) International facilities-based service providers must file and maintain a list of U.S.-international routes on which they have direct termination arrangements with a foreign carrier. 47 CFR § 63.22(h). A new international facilities-based service provider or one without existing direct termination arrangements must file its list within thirty (30) days of entering into a direct termination arrangement(s) with a foreign carrier(s). Thereafter, international facilities-based service providers must update their lists within thirty (30) days after adding a termination arrangement for a new foreign destination or discontinuing an arrangement with a previously listed destination. See Process For The Filing Of Routes On Which International Service Providers Have Direct Termination Arrangements With A Foreign Carrier, ITC-MS-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).
- (8) Any U.S. Carrier that owned or leased bare capacity on a submarine cable between the United States and any foreign point must file a Circuit Capacity Report to provide information about the submarine cable capacity it holds. 47 CFR § 43.82(a)(2). See <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.
- (9) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.
- (10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.
- (11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 64.1195.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 CFR § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 CFR § 63.22(c).

Countries:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at <https://www.fcc.gov/approved-space-station-list>.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>.

For additional information, contact the International Bureau's Telecommunications and Analysis Division, (202) 418-1480.